

-UTILITY EASEMENT-

10/12/06 4:15:48
BK 541 PG 663
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

MICHAEL HOSKINS

TO

CITY OF SOUTHAVEN
A MUNICIPAL CORPORATION

FOR AND IN CONSIDERATION OF ONE DOLLAR (\$1.00), AND OTHER GOOD AND VALUABLE CONSIDERATION, WE, MICHAEL HOSKINS, ETUX, HEREBY CONVEY AND WARRANT UNTO THE CITY OF SOUTHAVEN, ITS SUCCESSORS AND ASSIGNS, A PERPETUAL UTILITY EASEMENT WITH THE RIGHT TO ERECT, CONSTRUCT, INSTALL, LAY AND THEREAFTER USE, OPERATE, INSPECT, REPAIR, MAINTAIN, REPLACE AND REMOVE SEWER MAINS OR OTHER UTILITIES WITH ANY NECESSARY CONNECTIONS AND APPURTENANCES THERETO, ON, OVER, AND ACROSS THE FOLLOWING DESCRIBED PROPERTY SITUATED IN DESOTO COUNTY, MISSISSIPPI, TO WIT:

DESCRIPTION

A PART OR PARCEL OF TAX PARCEL 9, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 7 WEST, ALSO KNOWN AS 6419 MALONE ROAD, AS RECORDED IN DEED BOOK 239, PAGE 493, IN THE CHANCERY COURT CLERK'S OFFICE IN DESOTO COUNTY MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS A 10' WIDE STRIP RUNNING CONCURRENTLY WITH AND ADJACENT TO THE EAST PROPERTY LINE WHICH IS ALSO THE WEST RIGHT-OF-WAY OF MALONE ROAD.

ALSO:

A TEMPORARY CONSTRUCTION EASEMENT BEING 15' WIDE RUNNING CONCURRENTLY WITH AND ADJACENT TO THE ABOVE DESCRIBED PERPETUAL UTILITY EASEMENT. THE PURPOSE OF THIS EASEMENT IS FOR PROVIDING WORK AREAS DURING INSTALLATION OF THE SAID UTILITIES. THIS EASEMENT BECOMES NULL AND VOID UPON COMPLETION OF THE PROJECT.

TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS FOR THE PURPOSE FOR WHICH THE ABOVE MENTIONED RIGHTS ARE GRANTED.

THE GRANTOR FULLY UNDERSTANDS THAT HE IS ENTITLED TO BE DULY COMPENSATED FOR THE PROPERTY CONVEYED HEREIN, BUT GRANTOR DESIRES TO DONATE SAME TO THE CITY AND DOES HEREBY WAIVE THE RIGHT TO COMPENSATION.

THE CONSIDERATION RECITED HEREIN SHALL CONSTITUTE PAYMENT IN FULL FOR ALL DAMAGES SUSTAINED BY GRANTORS BY REASON FOR THE INSTALLATION OF THE STRUCTURES REFERRED TO HEREIN AND GRANTEE WILL MAINTAIN SUCH EASEMENT IN A STATE OF GOOD REPAIR AND EFFICIENCY SO THAT NO UNREASONABLE DAMAGE WILL RESULT FROM ITS USE OF GRANTOR'S PREMISES. THIS AGREEMENT TOGETHER WITH OTHER PROVISIONS OF THIS GRANT SHALL CONSTITUTE A COVENANT RUNNING WITH THE LAND FOR THE BENEFIT OF THE GRANTEE, ITS SUCCESSORS AND ASSIGNS. THE GRANTORS DO COVENANT THAT THEY ARE THE OWNERS OF THE ABOVE MENTIONED LAND AND THAT SAID LAND IS FREE AND CLEAR OF ALL ENCUMBRANCES AND LIENS EXCEPT THE FOLLOWING:

WITNESS OUR SIGNATURES ON THIS THE 5th DAY OF July, 2005

Michael Hoskins

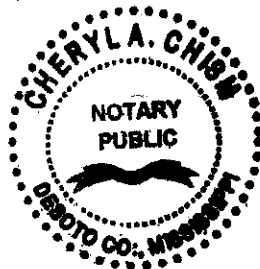
STATE OF Mississippi
COUNTY OF Desoto

THIS DAY PERSONALLY APPEARED BEFORE ME, THIS UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE, THE WITHIN NAMED Michael Hoskins WHO ACKNOWLEDGED THAT HE SIGNED AND DELIVERED THE ABOVE AND FORGOING INSTRUMENT ON THE DAY AND YEAR THEREIN MENTIONED AS HIS FREE AND VOLUNTARY ACT AND DEED AND FOR THE PURPOSES THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE THIS 5th DAY OF July, 2005

Cheryl A. Chism
NOTARY PUBLIC

MY COMMISSION EXPIRES: September 7, 2007



GRANTOR'S ADDRESS:

6419 Malone Rd
Southaven, MS 38672

WK.TEL () 864-8872
HM.TEL () 662-885-7767

GRANTEE'S ADDRESS:

CITY OF SOUTHAVEN
8710 NORTHWEST DRIVE
SOUTHAVEN, MS. 38671
WK.TEL (662) 280-2489
HM.TEL. N/A

* PREPARED BY:
CITY ENGINEER'S OFFICE
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SOUTHAVEN, MS. 38671
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HM.TEL. N/A